

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ERIC BOATMAN, et al.,)
)
Plaintiffs,) Case No. 18 C 4237
v.)
) Judge Steven C. Seeger
ELIJAH MUHAMMAD, et al.,)
)
Defendants.)

DECLARATION OF IRENE K. DYMKAR

I , Irene K. Dymkar, declare under penalties of perjury that the following is true and correct:

- 1) I have been a practicing trial attorney for more than 45 years, with a litigation practice formerly in New York and now in Illinois. My practice focuses almost exclusively in the area of civil rights litigation, specifically police misconduct cases. Ever since leaving public service with the District Attorney's Office in New York in 1980, I have owned and managed my own business, employing a skilled staff of employees, attorneys and paralegals.
- 2) I received my undergraduate degree from the University of Chicago in 1973, majoring in Philosophy and Linguistics. I received a scholarship for all four years of college and graduated *cum laude*. I obtained my law degree from Indiana University (Bloomington) in 1976. I received a merit scholarship covering tuition for all four years of law school and graduated *cum laude*.
- 3) While in law school, I was an associate instructor for the Civil Procedure course and a research assistant for Professor Edward F. Sherman, an author in civil rights litigation

and military law. I also taught a law class at the Indiana Women's Prison in Indianapolis from 1973 until 1976.

4) While in law school, I worked for two years at the Monroe County Prosecutor's Office in Bloomington, Indiana. I assisted in felony trial preparation and the questioning of witnesses at violent felony trials under attorney supervision, and I tried numerous misdemeanor cases solo.

5) I was admitted to practice law in New York State in 1977 and in the United States District Court for the Western District of New York in 1980. I was admitted to practice law in the State of Illinois in 2003 and in the United States District Court for the Northern District of Illinois also in 2003. I was admitted to practice law in the United States Court of Appeals for the Seventh Circuit in 2006 and in the United States Supreme Court in 2007. I was admitted to the United States District Court for the Central District of Illinois in 2015.

6) From 1976 to 1980, I was an Assistant District Attorney in Monroe County, New York, being the first woman ever hired as a prosecutor in that office. I prosecuted violent felony cases, including murder, armed robbery, aggravated assault and battery, rape, and kidnapping. In my four years as an Assistant District Attorney, I handled 100's of criminal cases, taking approximately 25 felony cases to trial by jury and 75 misdemeanor cases to trial by bench or jury. I had a reputation of being thorough and well-prepared, and I rarely lost a case at trial. I also prepared and presented investigations and cases to the Grand Jury and participated in numerous suppression hearings and preliminary hearings.

7) While an Assistant District Attorney, I worked as the liaison for a city police district, working hard to gain the confidence and respect of the police officers I advised. I was on call for consultation on arrests and investigations. Through a rotation system, I was at times also on call for the entire District Attorney's Office. I also helped establish a check fraud protocol for municipal police departments in the county, and developed a victim notification system for Grand Jury witnesses.

8) My last assignment before leaving the District Attorney's Office for private practice was the Appeals Bureau. I perfected approximately 30 criminal appeals to the New York Supreme Court, Appellate Division, and several to the New York State Court of Appeals (the highest court in the state). Almost every one of my appeals was affirmed by the appellate courts. One of my appeals resulted in a seminal opinion by the Court of Appeals on standing in search and seizure cases and another on the right to speedy trial.

9) I entered private practice in New York in 1980 and established the firm of Dymkar and Pogue. Initially, a substantial part of our practice was criminal defense work in both retained and court-assigned cases. I also performed criminal appellate work, perfecting approximately 15 criminal appeals for clients convicted of violent felonies, usually murder or manslaughter. I also handled the defense and appeal of one of the first civil disobedience cases using the justification defense to be heard by the New York Court of Appeals (New York's highest court) and the defense and appeal of the first boating while intoxicated case, testing a new law in the state.

10) While in private practice in New York, I also represented plaintiffs in civil rights cases, state malicious prosecution cases, medical malpractice, products liability, and

construction negligence cases, and abuse and juvenile delinquency cases. While in private practice, I participated in 30 - 40 criminal jury trials and in 10 - 15 civil jury trials. My last trial in New York was a medical malpractice case in which I challenged the inadequacy of patient care caused by deficiencies in the residency training programs and excessive working hours at two major hospitals in Rochester, New York, the University of Rochester Strong Memorial Hospital and Genesee Hospital. The case resulted in a confidential settlement in the second week of trial. This case highlighted the need for reform in the medical residency programs.

11) While in New York, I was on the board of the Baden Street Settlement House, the Baden Street Settlement Drug Treatment Program, Isaiah House (a hospice), and Corpus Christi Health and Outreach Center (a wholistic neighborhood health center). I provided *pro bono* legal assistance for the establishment of Rogers House (a halfway house for ex-offenders), Rogers House Restaurant (a restaurant staffed by ex-offenders), and Dimitri House (a home for the homeless and an alcohol recovery center).

12) I moved back to Chicago and was admitted in Illinois in 2003. After working at several locations for short periods, I established my firm in 2006, working almost exclusively on Section 1983 cases. The small number of non-police cases I have worked on have been medical malpractice and wrongful death cases.

13) I have handled over 100 civil rights cases since moving to Chicago from New York. I have maintained a consistent caseload of approximately 20 federal cases. I have won outright ten out of my last thirteen jury trials. Of the other three trials, two ended with a hung jury and settled thereafter, and one ended with a hung jury and was retried, with plaintiff prevailing at the re-trial.

14) I have obtained large verdicts and settlements, including *Davis v. City of Chicago*, 15 L 4799, Circuit Court of Cook County (police shooting death case - \$5.1 million jury verdict); *Ollison v. Wexford Health Sources, Inc.*, 17 C 1077, Central District of Illinois (case involving medical deliberate indifference in prison - \$3 million settlement); *Montgomery, as Special Administrator v. Valell Corp.*, 13 L 11559, Circuit Court of Cook County, (shooting death case - \$3,038,087 judgment); *Winters v. Cook County, d/b/a Cermak Health Services*, 08 C 7276, Northern District of Illinois (jail death case - \$1 million settlement); *Berry, as Special Administrator v. Condell Medical Center, et al.*, 11 L 606, Circuit Court of Lake County) (medical malpractice, baby death - \$780,000 settlement).

15) I have been awarded attorney fees under 42 U.S.C. §1988 in numerous cases, totaling in the millions of dollars, including, but not limited to: *Bonner v. O'Toole*, 12 C 981, Northern District of Illinois; *Wilbon, et al., v. Plovanich, et al.*, 12 C 1132, Northern District of Illinois; *Wilson v. Baptiste, et al.*, 13 C 7845, Northern District of Illinois; *Nelson v. Lis*, 09 C 883, Northern District of Illinois; *Armstrong v. Maloney*, 08 C 4398, Northern District of Illinois (settlement of \$473,000 on fee petition after Seventh Circuit Settlement Conference); *Hadnott v. Kelly*, 07 C 6754, Northern District of Illinois (settlement of \$450,000 on fee petition).

16) I have won several appeals to the Seventh Circuit Court of Appeals and to the Illinois Appellate Court, First District, including, but not limited to: *Taylor v. Hughes, et al.*, 20-2377, Seventh Circuit; *Davis v. City of Chicago*, 1-19-1805 & 1-19-2097 (cons.), Illinois Appellate Court, First District; *Nelson v. City of Chicago*, 12-3401, Seventh Circuit; *Tribble v. Evangelides*, 10-3262, Seventh Circuit; *Swanigan v. City of Chicago (first appeal)*, 12-1261, Seventh Circuit; and *Baker v. Ghidotti*, 15-2203, Seventh Circuit.

17) I have settled dozens of civil rights cases against the City of Chicago and other municipalities in the Northern District of Illinois, worth millions of dollars.

18) I am frequently contacted by my peers and by younger civil rights attorneys, for advice on civil rights law and strategy. I have taught classes on search warrants, Rule 68 offers of judgment, motions for summary judgment, trial strategies, and drafting requests to admit. I have prepared substantive legal and practical materials for class, including motion forms and deposition questions. I have given presentations using videos of depositions, charts, pictures, and excerpts of police teaching materials. I have been a guest lecturer at the DePaul School of Law and the John Marshall School of Law. I have taught continuing legal education courses through the National Police Accountability Project, Chicago Region.

19) I am active in the Chicago branch of the National Police Accountability Project, a vibrant group of plaintiffs' civil rights lawyers. I have helped plan many of the group's meetings, which are educational in nature and for which we have obtained Continued Legal Education approval and credit. I am a member of the Chicago Chapter of the Federal Bar Association, the National Police Accountability Project (the national organization), the Illinois State Bar Association, the Chicago Bar Association, and the University of Chicago Alumni Association.

20) My family and I live in Austin Village, an historic preservation district in the Austin area of Chicago, where my vibrant, diverse, and close-knit community works hard to maintain a safe and pleasant neighborhood in what is sometimes a challenging urban environment. I have completed more than 50 hours of study at Catholic Theological Union in Hyde Park as a Bernardin scholar, focusing on counseling courses. My community

activities include a one-year commitment as a volunteer at a shelter for homeless teenagers run by The Night Ministry, where I was exposed to the cultural challenges of young people struggling to survive on the margins, five years of service on the Board of the University of Chicago Alumni Club, and membership in the Austin Schock Neighborhood Association.

Dated: October 12, 2022

/s/ Irene K. Dymkar

Irene K. Dymkar